BILL NO. Z-85- 08-40

ZONING MAP ORDINANCE NO. Z- Lost

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Two (2) acres of land in Lot No. 11, Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot No. 11 Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana; thence south 89 degrees, 44 minutes west, along the north line of said Lot No. 11, a distance of 210 feet; thence due south parallel to the east line of said Lot No. 11, a distance of 414.86 feet to an iron pin; thence 89 degrees, 44 minutes east parallel to the north line of said Lot No. 11, a distance of 210 feet to an iron pin; thence due north, along the east line of said Lot No. 11, Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East a distance of 414.86 feet to the place of beginning, containing two (2) acres of land more or less,

and the symbols of the City of Fort Wayne Zoning Map No. F-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Thomas B. Reed
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd seconded by Eisbart, and duly adopted, read the second tim by title and referred to the Committee Regulations (and the Ci Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Way Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E

DATE: 5-27-86 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart seconded by Henry, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	____	9	_____	_____	_____
BRADBURY	____	—	_____	_____	_____
BURNS	____	—	_____	_____	_____
EISBART	____	—	_____	_____	_____
GiaQUINTA	____	—	_____	_____	_____
HENRY	____	—	_____	_____	_____
REDD	____	—	_____	_____	_____
SCHMIDT	____	—	_____	_____	_____
STIER	____	—	_____	_____	_____
TALARICO	____	—	_____	_____	_____

DATE: 5-27-86
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____ at the hour of _____ o'clock _____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____
WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

..E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

City Plan Check # 7307

№ 12023

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6/17 19 85

RECEIVED FROM Don Wyneken $ 50.00

THE SUM OF Fifty & 00/100 DOLLARS

ON ACCOUNT OF Rezone - Illinois Rd.

RA to B1A 4705

B. Steele

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Unknown

I/We DALE R. ECENBARGER and LOYD G. ECENBARGER
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B1A District the property described as follows:

Two (2) acres of land in Lot No. 11, Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit: Beginning at the North-east corner of Lot No. 11 Samuel Edsall's Subdivision in LaGro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana; thence south 89 degrees, 44 minutes west, along the north line of said Lot No. 11, a distance of 210 feet; thence due south parallel to the east line of said Lot No. 11, a distance of 414.86 feet to an iron pin; thence 89 degrees, 44 minutes east parallel to the north line of said Lot No. 11, a distance of 210 feet to an iron pin; thence due north, along the east line of said Lot No. 11, Samuel Edsall's Subdivision in LaGro Reserve in Section 8, Township 30 North,
(Legal Descrption) If additional space is needed, use reverse side.

Range 12 East a distance of 414.86 feet to the place of beginning, containing two (2) acres of land, more or less.

4705 Illinois Road
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
DALE R. ECENBARGER	RR 21 Box 142	Dale R. Ecenbarger
LOYD G. ECENBARGER	NORTH FORT MYERS FL 33903	Loyd G. Ecenbarger

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitte to the City Plan Commission prior to the legal notice pertaining to the ordin being sent to the newspaper for legal publication. If the request for deferr continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at wh it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that a ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the ma for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Ralph R. Blume	344 Utility Building Fort Wayne, Indiana 46802	219-423-3525

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-40; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

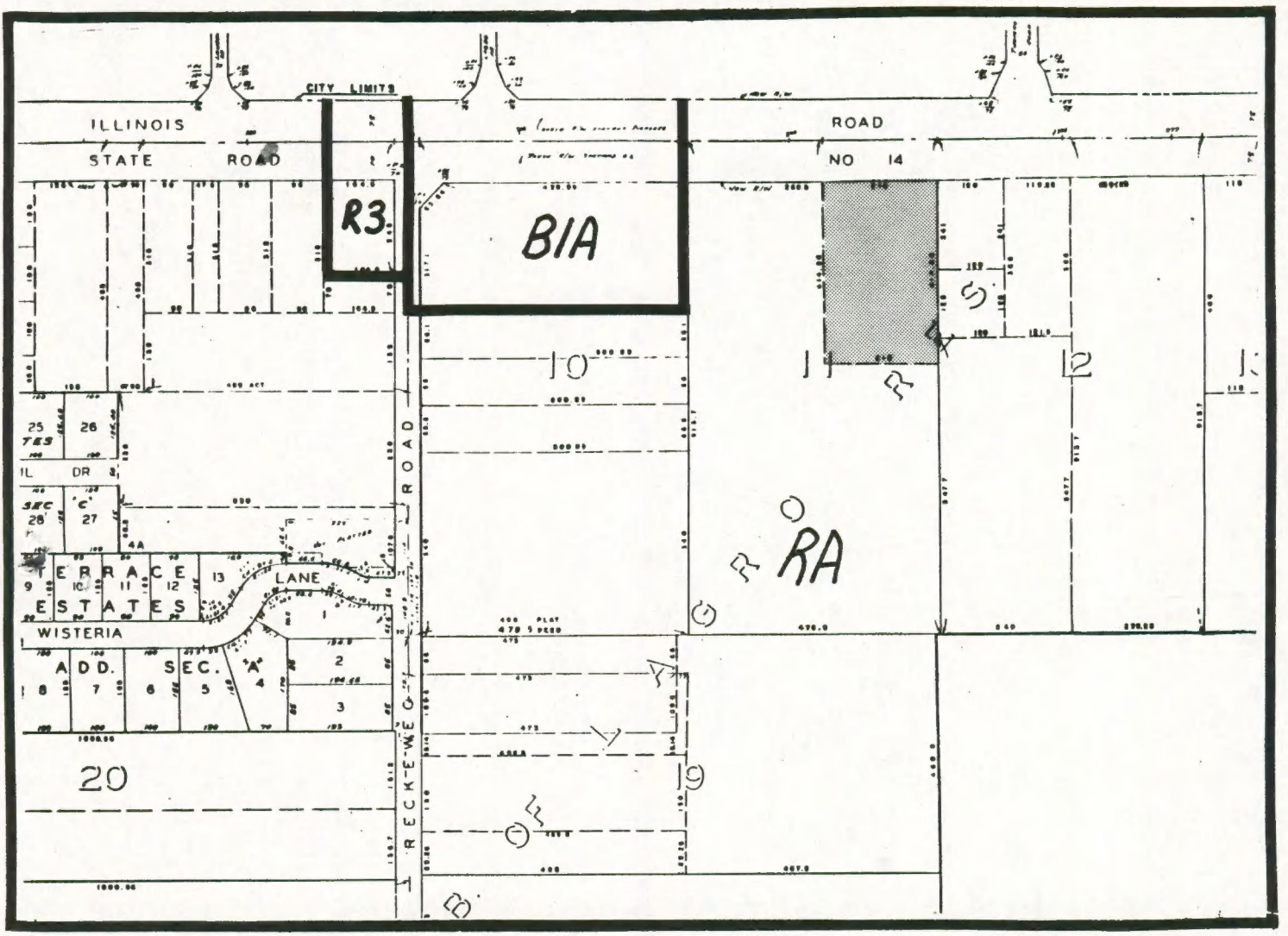
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
29th day of April 1986.

Melvin O. Smith
Secretary

#141

GENERAL LOCATION MAP FOR 4705 ILLINOIS RD.



Zoning:

RA RESIDENCE A
BIA LIMITED BUSINESS 'A'
R3 RESIDENTIAL DISTRICT

Land Use:

NORTH

L.W.

Scale: 1" = 300'

14

Date: 7-30-85

FACT SHEET

Z-85-08-40
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

4705 Illinois Road

Reason for Project

To sell property as a business parcel.

Discussion (Including relationship to other Council actions)

This request was originally heard on August 19, 1985. At that time the petitioner's agent, attorney Ralph Blume, stated they were requesting the rezoning in order to sell the property.

At the Business Meeting held August 26, 1985, the request was given a conditional approval:

Conditions:

1) Provide a 40 foot easement along Illinois Road across the entire property frontage for a future road;
2) Provide an agreement to participate in the cost of construction of the frontage road at such time when the city determines it is required.
3) There should be no more than one (1) identification sign. This sign should not be located in the required front yard. The size of the sign not exceed 30 sq. ft., and height not exceed 4 feet.
4) Provide a 25 foot rear yard. No building or parking be located in the rear yard.
5) Submit a landscape plan for the review and approval of the staff of CD&P,

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Dale & Loyd Ecenbarger **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** -petitioner did not meet conditions as set by Plan Commission
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for conditior
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

6) Height of building not to exceed 35 foot.

The petitioner was notifiied of the conditional approval and given 6 months in which to comply with said conditions. On March 27, 1986 the petitioner was again notified that the time to satisfy the conditions was up and unless the conditions were satisfied or the staff notified of their intentions to do so, the ordinance would be returned to the Commission for their reconsideration and recommendation of DO NOT PASS. The petitioner nor the agent responded to the notification.

The ordinance was reconsidered by the Plan Commission on April 28, 1986 and given a DO NOT PASS recommendation.

Of the 8 members present - 7 voted in favor of DO NOT PASS, one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** June 17, 1985

Projected Completion or Occupancy **Date** April 29, 1986

Fact Sheet Prepared by **Date** April 29, 1986

Patricia Biancaniello

Reviewed by **Date** April 29, 1986

Gary Barton

Reference or Case Number April 29, 1986

Admn. Appr. _____

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-85-08-40

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 4705 Illinois Road

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential.
Property will become B-1-A - Limited Business.

EFFECT OF NON-PASSAGE Property will remain - RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

BILL NO. Z-85-08-40

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. F-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

YES NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 5-27-86

SANDRA E. KENNEDY
CITY CLERK